

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

DLW HEALTH SOLUTION, LLC, §
Plaintiff §
§
v. § Case No.: 5:15-cv-00727 OLG
§
CLEVIS MANAGEMENT, CORP. §
D/B/A HAEYOU COMPOUNDING §
PHARMACY §
Defendant §

DLW HEALTH SOLUTION, LLC'S ANSWER TO DEFENDANT'S COUNTERCLAIM
TO THE HONORABLE U.S. DISTRICT JUDGE OF THIS COURT:

DLW HEALTH SOLUTION, LLC, Plaintiff and Counter-Defendant herein, serves this its Answer to Defendant's Counter-claim, and shows unto the Court in support thereof as follows:

1. DLW HEALTH SOLUTION, LLC denies the answers and affirmative defenses of Clevis Management, Corp. to subpart 1 of the Counter-claim.
2. DLW HEALTH SOLUTION, LLC admits the statements of subpart 2 of the Counter-claim.
3. DLW HEALTH SOLUTION, LLC admits the statements of subpart 3 of the Counter-claim.
4. DLW HEALTH SOLUTION, LLC admits the statements of subpart 4 of the Counter-claim.
5. DLW HEALTH SOLUTION, LLC admits the statements of subpart 5 of the Counter-claim.
6. DLW HEALTH SOLUTION, LLC admits the statements of subpart 6 of the Counter-claim.
7. DLW HEALTH SOLUTION, LLC admits the statements of subpart 7 of the Counter-claim.

8. DLW HEALTH SOLUTION, LLC admits the statements of subpart 8 of the Counter-claim.
9. DLW HEALTH SOLUTION, LLC admits the statements of subpart 9 of the Counter-claim.
10. DLW HEALTH SOLUTION, LLC denies the statements of subpart 10 of the Counter-claim.
11. DLW HEALTH SOLUTION, LLC is without sufficient information or knowledge to admit or deny the allegations of subpart 11 of the Counter-claim, and therefore denies the allegations therein.
12. DLW HEALTH SOLUTION, LLC is without sufficient information or knowledge to admit or deny the allegations of subpart 12 of the Counter-claim, and therefore denies the allegations therein.
13. DLW HEALTH SOLUTION, LLC denies the statements of subpart 13 of the Counter-claim.
14. DLW HEALTH SOLUTION, LLC denies the allegations of subpart 14 of the Counter-claim.
15. DLW HEALTH SOLUTION, LLC denies the statements of subpart 15 of the Counter-claim.
16. DLW HEALTH SOLUTION, LLC denies the allegations of subpart 16 of the Counter-claim.
17. DLW HEALTH SOLUTION, LLC denies the allegations of subpart 17 of the Counter-claim.
18. DLW HEALTH SOLUTION, LLC denies the allegations of subpart 18 of the Counter-claim.
19. DLW HEALTH SOLUTION, LLC denies the allegations of subpart 19 of the Counter-claim.
20. DLW HEALTH SOLUTION, LLC denies the allegations of subpart 20 of the Counter-claim.
21. DLW HEALTH SOLUTION, LLC denies the allegations of subpart 21 of the Counter-claim.

22. Clevis has failed to mitigate its damages by failing to fulfill orders that were placed which resulted in reversal of orders.

23. Clevis materially breached the agreement by failing to fulfill orders that were placed and in failing to pay DLW HEALTH SOLUTION, LLC its commissions when due in accordance with the terms of the agreement.

24. DLW HEALTH SOLUTION, LLC is entitled to offset the claim for reversals due to Clevis acts and omissions.

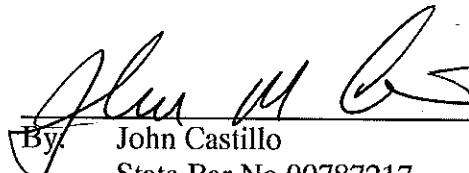
25. Clevis waived its right to enforce agreement provisions by its failure to deliver products for orders that were placed.

26. Clevis is estopped to seek recovery, in whole or part, due to its failure to fulfill orders that were placed.

WHEREFORE, PREMISES CONSIDERED, DLW HEALTH SOLUTION, LLC, prays that the Court deny all relief requested by Clevis Management, Corp. and enter a take nothing judgment on its counter-claims, for costs, reasonable attorney's fees, and such other and further relief, at law or in equity, to which DLW HEALTH SOLUTION, LLC is justly entitled.

Respectfully submitted,

Farrimond Castillo & Bresnahan, P.C.


By: John Castillo
State Bar No.00787217
Steven Medina
Of Counsel
State Bar No.13895550
130 E. Travis Street, Suite 350
San Antonio, TX 78205
Tel: 210-231-0919
Fax: 210-231-0919
Email: jcastillo@fcbttxlaw.com
Email: smedina@fcbttxlaw.com

Attorneys for DLW HEALTH SOLUTION, LLC

CERTIFICATE OF SERVICE

I hereby certify the foregoing document was served upon the following in accordance with the Federal Rules of Civil Procedure, via the Court's Cm/ECF system, on October 26, 2015:

The Vethan Law Firm, PC
Charles M.R. Vethan
J. Seth Grove
8700 Crownhill Blvd, Suite 302
San Antonio, TX 78209

Eliot F. Krieger
Charles T. Spagnola
Adam M. Tamburelli
Karl D. Truong
JARVIS, KRIEGER & SULLIVAN, LLP
444 West Ocean Boulevard, Suite 1700
Long Beach, CA 90802



JOHN CASTILLO